

SECOND DAY

(Thursday, August 28, 1969)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Berry Grover

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Berry was granted leave of absence for today on account of illness on motion of Senator Bates.

Senator Grover was granted leave of absence for today on account of important business on motion of Senator Hightower.

Message From the House

Hall of the House of Representatives
Austin, Texas,
August 28, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1, A bill to be entitled "An Act appropriating money for

the support of the Judicial, Executive and Legislative Branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the period beginning September 1, 1969 and ending October 31, 1969; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; providing a saving clause; providing a contingency clause; and declaring an emergency.

H. B. No. 2, A bill to be entitled "An Act appropriating money for the support of the Judicial, Executive and Legislative Branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the two-year period beginning September 1, 1969, and ending August 31, 1971; authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bills on First Reading

The following bills received from the House were read the first time and referred to the Committee indicated:

H. B. No. 1, To Committee on Finance.

H. B. No. 2, To Committee on Finance.

Senate Resolution 3

Senator Hightower offered the following resolution:

Whereas, The Order of DeMolay, an organization of young men with more than 12,000 members and 100 chapters in Texas, is celebrating the Golden Anniversary of its founding this year; and

Whereas, Open to young men between the ages of 14 and 21, the Order of DeMolay's main objective is to teach all young men to live clean, manly, upright, and patriotic lives; prominent senior DeMolays include the Honorable Crawford Martin, Attorney General of Texas; Walter Cronkite, former Texan and internationally-known news commentator; Bob Mathias, Olympic champion;

Robert Cummings, entertainer; and the late Walt Disney; and

Whereas, Last year DeMolay instituted a program to aid members in their knowledge and concept of governmental proceedings, and on Saturday and Sunday, December 27 and 28, 1969, the State DeMolay Association of Texas will hold its second Annual Government Program, an important part of which will be a moot session of the Texas Legislature; and

Whereas, During the Annual Government Program in 1968, more than 300 members of the State DeMolay Association of Texas were in attendance from all over the state; and

Whereas, The Senate of Texas desires to commend DeMolay on its 50 years of inspiration and service to youth, and to make available facilities of the Senate Chamber for the use of DeMolay during the organization's December moot session of the legislature; now, therefore, be it

Resolved, That the Senate of the 61st Legislature, 2nd Called Session, hereby commend the State DeMolay Association of Texas and the International Supreme Council of the Order of DeMolay for the high principles and tenets of citizenship which the organization instills in the young men of Texas; and, be it further

Resolved, That the State DeMolay Association of Texas be, and it is hereby, authorized to use the Senate Chamber on December 27 and 28, 1969, for the organization's moot session of the Texas Legislature.

The resolution was read and was adopted.

Reports of Standing Committee

Senator Hazlewood submitted the following reports:

Austin, Texas,
August 28, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Finance to which was referred S. B. No. 1, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HAZLEWOOD, Chairman.

Austin, Texas,
August 28, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Finance to which was referred S. B. No. 2, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HAZLEWOOD, Chairman.

Senate Bill 1 Ordered Not Printed

On motion of Senator Hazlewood, and by unanimous consent, S. B. No. 1 was ordered not printed.

Senate Bill 2 Ordered Not Printed

On motion of Senator Hazlewood, and by unanimous consent, S. B. No. 2 was ordered not printed.

At Ease

On motion of Senator Aikin, and by unanimous consent, the Senate at 11:13 o'clock a.m. agreed to Stand At Ease Subject to the Call of the Chair.

In Legislative Session

The President called the Senate to order as In Legislative Session at 11:37 o'clock a.m.

Report of Standing Committee

Senator Hazlewood, by unanimous consent, submitted the following report:

Austin, Texas,
August 28, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Finance, to which was referred H. B. No. 1, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HAZLEWOOD, Chairman.

House Bill 1 Ordered Not Printed

On motion of Senator Aikin, and by unanimous consent, H. B. No. 1 was ordered not printed.

Senate Resolution 9

Senator Harrington offered the following resolution:

Whereas, Miss Joan Letulle, has been named the 1969 "Handicapped Woman of the Year" by the Governor's Committee for Employment of the Handicapped; and

Whereas, Miss Letulle, a native of Port Arthur, Texas, has been paralyzed from below the arms since 1953, and has made a miraculous comeback in the years following the tragic automobile accident which caused her handicap; and

Whereas, Following long months at the Texas Rehabilitation Center in Gonzales, she fought back to continue her vocation as a typist, first in her own home and later, in the employment of Dr. Martin R. Haig; and

Whereas, Miss Letulle has been actively involved in her community tutoring local school children, helping develop a fine drama department at Bishop Byrne High School in Port Arthur, through her work with the Port Arthur Little Theatre, and by her efforts with the Eta Tau Chapter of Beta Sigma Phi Sorority; and

Whereas, Aside from all her outstanding community achievements, she has been an inspirational guidance for hundreds of other handicapped Texans and has continually invoked a deeply humanitarian philosophy of life when she remarked to a newspaper reporter, "A crippled soul is much worse than a crippled body"; and

Whereas, Miss Letulle can now take her place at the top of the list of those handicapped Americans who have proved themselves invaluable assets to their faith, their country, and their fellow man; now, therefore, be it

Resolved, That the Senate of the State of Texas offers congratulations and best wishes for all future endeavors to this courageous young woman.

The resolution was read and was adopted.

House Bill 1 on Second Reading

Senator Aikin moved that Senate Rules 13, 30, and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 1 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Bridges
Bates	Brooks
Bernal	Christie
Blanchard	Cole

Connally	McKool
Creighton	Moore
Hall	Patman
Harrington	Ratliff
Harris	Schwartz
Hazlewood	Snelson
Herring	Strong
Hightower	Watson
Jordan	Wilson
Kennard	Word
Mauzy	

Absent—Excused

Berry	Grover
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The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 1, A bill to be entitled "An Act appropriating money for the support of the Judicial, Executive and Legislative Branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the period beginning September 1, 1969 and ending October 31, 1969; etc., and declaring an emergency.

The bill was read the second time and was passed to third reading.

House Bill 1 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 1 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Hall	Strong
Harrington	Watson
Harris	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Berry	Grover
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Reason for Vote

I have voted "Yea" on H. B. 1 upon the representation that it is a temporary emergency action for a maximum of 60 days and absolutely necessary to prevent a State fiscal crisis on September 1, 1969, and is not intended to be a biennial or even an annual appropriation bill pattern. My vote is not intended as an endorsement of all of the amounts or language contained in the 60-day emergency bill.

SNELSON

Reason for Vote

I have voted "Yea" on H. B. 1 upon the representation that it is a temporary emergency action for a maximum of 60 days and absolutely necessary to prevent a State fiscal crisis on September 1, 1969, and is not intended to be a biennial or even an annual appropriation bill pattern. My vote is not intended as an endorsement of all of the amounts or language contained in the 60-day emergency bill.

HERRING

Memorial Resolutions

S. R. No. 4—By Senators Creighton and Hightower: Memorial resolution for Mrs. C. O. Glenn.

S. R. No. 5—By Senator Watson: Memorial resolution for James Huey Barnes.

S. R. No. 6—By Senator Watson: Memorial resolution for John C. Smith.

S. R. No. 7—By Senator Watson: Memorial resolution for Fred A. Hartley.

Welcome Resolution

S. R. No. 8—By Senator Watson: Extending welcome to Mr. and Mrs. Lee Redell of Waco.

Recess

On motion of Senator Aikin the Senate at 12:20 o'clock p.m. took recess until 9:00 o'clock a.m. tomorrow.

SECOND DAY

(Friday, August 29, 1969)

After Recess

The President called the Senate to order at 9:00 o'clock a.m.

Reverend W. H. Townsend, Chaplain, offered the invocation.

Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

H. B. No. 1, A bill to be entitled "An Act appropriating money for the support of the Judicial, Executive and Legislative Branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the period beginning September 1, 1969 and ending October 31, 1969; etc., and declaring an emergency.

Signed, subject to the provisions of Section 49A, Article III of the Constitution of the State of Texas.

At Ease

The President announced that the Senate at 9:11 o'clock a.m. would Stand At Ease Subject to the Call of the Chair.

In Legislative Session

The President called the Senate to order as In Legislative Session at 9:20 o'clock a.m., today.

Message From the House

Hall of the House of Representatives

Austin, Texas,
August 29, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 4, A bill to be entitled "An Act raising revenue for the support of state government; amending Section (1), Article 7.06, Title 122A, Taxation—General, Revised Civil Statutes, 1925, as amended, to increase the cigarette tax; amending Sections (1) and (8), Article 7.01, Title 122A, to include in the definition of cigarettes tobacco substitutes, and to include in the definition of first sale the loss of cigarettes; amending Article 12.20, Title 122A, to provide for the levy of an additional corporate franchise tax for a certain period ending April 30, 1970; amending Article 12.21, Title 122A, and adding Article

12.211, to provide for the levy of an additional corporate franchise tax; adding a new Article 12.011 to Chapter 12, Title 122A, to exempt non-profit corporations organized for the purpose of providing homes for certain elderly people from payment of the additional franchise tax levied by Subsection (1)(a)(ii) of Article 12.01; amending Chapter 20, Title 122A, as amended, and making conforming amendments to the Local Sales and Use Tax Act (Article 1066c, Vernon's Texas Civil Statutes), to increase the rate of the state sales tax; to change the scope of the term 'sale for resale'; to exempt from the tax motor vehicles, trailers, and semi-trailers exempted under the provisions of Chapter 6, Title 122A; to remove certain exemptions relating to performance of contracts for the improvement of realty for certain exempt organizations; and to exempt from the tax the receipts from the leasing or licensing of motion picture films under certain circumstances; adding an Article 1.033 to Chapter 1, Title 122A, relating to the authority of the Comptroller to relax any reporting requirements under Title 122A and subsequently to reinstate them; amending Section (1), Article 1.11A, Title 122A, to authorize refunds of overpayments of the tax imposed on crude petroleum under Article 6032, Revised Civil Statutes of Texas, 1925, as amended; renumbering Section 22, Article 7150, Revised Civil Statutes of Texas, 1925, as added by Section 1, Chapter 363, Acts of the 60th Legislature, Regular Session, 1967, as Section 22a; amending Chapter 1, Title 122A, to add a new Article 1.15 to authorize the admission of certain reproduced documents into evidence in tax proceedings; amending Article 13.03 and Article 19.01(10), Title 122A, to remove certain exemptions from the tax on coin-operated machines; amending Chapter 21 and adding Chapter 26 to Title 122A, to impose taxes and increase taxes on admissions or receipts from admissions to certain amusements and entertainments; amending Section 15e, Article I, Texas Liquor Control Act, as amended (Article 666-15(e), Vernon's Texas Penal Code), relating to regulation of private clubs, to provide for the levy of a special fee for each serving of alcoholic beverages; to provide for transportation under permit, for a fee, of alcoholic beverages to private clubs under certain circum-

stances; to prohibit clubs from allowing or permitting removal of alcoholic beverages from club premises; to provide for enforcement and collection of fees; amending Section 15, Article I, Texas Liquor Control Act, as amended (Article 666-15, Vernon's Texas Penal Code), to tax and regulate service and storage of alcoholic beverages by certain commercial air lines; amending Section 1A, Chapter 262, Acts of the 57th Legislature, Regular Session, 1961 (Subsection (12), Article 666-15(e), Vernon's Texas Penal Code), relating to exemption from regulation as a private club; amending Title 122A, to add a new Chapter 35, relating to the imposition, administration, collection, and enforcement of an occupation tax on producers of marl, sand, gravel, shell, and mudshell; adding a new Chapter 16 to Title 122A, to provide for the imposition, administration, collection, and enforcement of a tax on the sale or transfer of certain stocks, bonds, and other securities; providing effective dates; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,

Chief Clerk, House of Representatives

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 4, To Committee on State Affairs.

Adjournment

On motion of Senator Aikin the Senate at 9:47 o'clock a.m. adjourned until 10:00 o'clock a.m. Tuesday, September 2, 1969.

THIRD DAY

(Tuesday, September 2, 1969)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Bridges
Bates	Brooks
Bernal	Christie
Blanchard	Cole